

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TERVES LLC,

Plaintiff,

vs.

YUEYANG AEROSPACE NEW
MATERIALS CO., LTD., et al.,

Defendants.

Case No. 1:19-cv-1611-DCN

Judge Donald C. Nugent

DEFENDANTS' CORRECTED MOTION FOR SUMMARY JUDGMENT

Ecometal Inc., and Nick Yuan (collectively, "Defendants") move this Court to grant summary judgment in their favor and against Plaintiff Terves LLC ("Terves") finding that U.S. Pat. 10,329,653 ("'653 or '653 Patent"), and of U.S. Pat. 10,689,740 ("'740 or '740 Patent") owned and asserted by Terves are invalid because of:

- 1) Terves's inequitable conduct during the prosecution of the '653 and '740 patents;
- 2) anticipation and or obviousness based on prior art; or
- 3) non-enablement of the specification.

Alternatively, the Defendants move this Court to grant a summary judgment in its favor and against Terves finding that the Defendants' products:

- 4) AJM-006; AJM-010; AJM-012; AJM-016; AJM-017; AJM-018; and AJM-023
(hereinafter "Purported Infringing Materials") do not infringe on the claims of either the '653 or '740 patents.

In addition, Terves has expressly withdrawn U.S. Pat. No. 9,903,010 (the “‘010 Patent”) from consideration in this litigation and any assertions of infringement against Defendant’s products based on the ‘010 Patent should be dismissed with prejudice.

A Memorandum in Support [ECF #134] was filed along with this Motion.

A proposed order has been submitted herewith for the Court’s convenience.

Date: November 18, 2021

Respectfully submitted,

/s/ Edward L. White

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**COUNSEL FOR DEFENDANTS,
ECOMETAL INC. AND NICK YUAN**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Defendants' Motion for Summary Judgment* has been served upon counsel of record for Plaintiff via the Court's electronic filing system on November 18, 2021.

/s/ Edward L. White
Edward L. White

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PROPOSED ORDER

This matter comes before the Court upon Motion for Summary Judgment filed by Defendants Ecometal Inc. and Nick Yuan and Memorandum in Support thereof. Defendants moved this Court to grant summary judgment in their favor and against Plaintiff Terves LLC (“Terves”) finding that U.S. Pat. 10,329,653 and U.S. Pat. 10,689,740 owned and asserted by Terves are invalid.

Defendants’ Motion for Summary Judgment (ECF #_____) and Memorandum in Support (ECF #_____) is, therefore, _____, as set forth above. It is so ordered.

DONALD C. NUGENT
United States District Judge

DATED: _____